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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,761	03/09/2004	Darian A. Johnson	49/1284US	4355

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EXAMINER

ASHLEY, BOYER DOLINGER

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/796,761

Applicant(s)

JOHNSON, DARIAN A.

Examiner

Boyer D. Ashley

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/9/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/27/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 3724

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. The abstract of the disclosure is objected to because the abstract refers to purported merits and speculative applications as well as compared generically with prior art. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3724

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the expression "a cutting edge" on line 9 appears to be a double inclusion of the cutting edge on line 6.

In claim 5, line 2, it is not clear which cutting edge is being referred to.

In claim 12, the expression "a short cutting edge" on line 12 appears to be a double inclusion of the cutting edge on line 7.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 4-6, and 8-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Medhurst, U.S. Patent D455,057.

Medhurst discloses the same invention as claimed including: a left side (the front side as shown in Figure 2) and a right side (the front side as shown in Figure 3; the back side as shown in Figure 2) that are generally parallel and have a thickness there between (see Figures 4-7), the left and right sides are generally mirror image quadrilaterals (see Figures 2 and 3); a front edge (the left side edge as shown in Figure

Art Unit: 3724

2) and a back edge (the right side edge as shown in Figure 2); and an uneven cutting edge (the bottom edge as shown in Figure 2) that is different from the front and rear edges, and lies in a plane that is generally parallel to the planes defined by the left and right sides (as shown); wherein the cutting blade provides a cutting edge of less than about 60 mm (the blade of Medhurst is for a utility blade which are less than 60 mm in length); and the blade of Medhurst is fully capable of being disposable (merely by throwing it away, also utility blades are know for there disposability).

As to claim 2, Figure 2 shows the blade as trapezoidal in shape.

As to claim 4, the blade of Medhurst is defined as a utility blade and therefore is capable of being mounted in a housing of a utility knife which are capable of being removed form the utility blade housing.

As to claim 5, Figure 2 shows the blade cutting edge with at least one point that is a local minimum along the cutting edge such that other positions along the cutting edge immediately adjacent to the point occupy an elevated position (see Figures 6 and 7) relative to a plane containing the one point oriented perpendicular to the planes generally defined by the left and right sides of the blade.

As to claim 6, Figure 2 shows a number of points on the blade in the range between four and twenty.

As to claim 8, Figure 2 shows the points are equally spaced from one number along the cutting edge.

As to claim 9, Figure 2 shows points traverse a smooth arc of the shape of a circle.

Art Unit: 3724

As to claim 10, the blade as shown in Figure 2 is that of typically utility blades which have a thickness is less than about one and one half millimeters.

As to claim 11, the blade cutting edge of the utility blade as shown in Figure 2 has a length less than about 60 millimeters as all typical utility blades.

As to claims 12-14, Medhurst inherently discloses a utility knife housing for mounting the blade in a manner allowing the blade to extend a short distance beyond the housing by less than one fourth of the length of the housing and wherein the blade is disposable, replaceable, and retractable because utility knives have housings in the same fashion.

As to claim 15, the intended use of blade of Medhurst is that of utility blade for cutting by using only one of a pushing and pulling motion in a direction generally parallel to the direction of the cut.

7. Claims 1-6, 8, and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Dunn-Rankin, U.S. Patent 6,823,593.

Dunn-Rankin discloses the same invention as claimed including: a left side (32) and a right side (34, the opposite of 32) that are generally parallel and have a thickness there between (see Figures 2 and 4), the left and right sides are generally mirror image quadrilaterals (see Figures 2 and 3); a front edge (40) and a back edge (42); and an uneven cutting edge (60) that is different from the front and rear edges, and lies in a plane that is generally parallel to the planes defined by the left and right sides (as shown); wherein the cutting blade provides a cutting edge of less than about 60 mm (column 3, lines 55-65); and the blade of Dunn-Rankin is fully capable of being

Art Unit: 3724

disposable (merely by throwing it away, also utility blades are know for there disposability).

As to claim 2, Figure 2 shows the blade as trapezoidal in shape.

As to claim 3, Figure 10 shows the blade as rectangular in shape.

As to claim 4, the blade of Dunn-Rankin is defined as a utility blade and therefore is capable of being mounted in a housing of a utility knife (56, Figure 5), which are capable of being removed form the utility blade housing.

As to claim 5, Figure 2 shows the blade cutting edge with at least one point that is a local minimum along the cutting edge such that other positions along the cutting edge immediately adjacent to the point occupy an elevated position (see Figures 1 and 3) relative to a plane containing the one point oriented perpendicular to the planes generally defined by the left and right sides of the blade.

As to claim 6, Figure 2 shows a number of points on the blade in the range between four and twenty.

As to claim 8, Figure 2 shows the points are equally spaced from one number along the cutting edge.

As to claim 9, Figure 2 shows points traverse a smooth arc of the shape of a circle.

As to claim 10, the blade as shown in Figure 2 is that of typically utility blades which have a thickness is less than about one and one half millimeters.

Art Unit: 3724

As to claim 11, the blade cutting edge of the utility blade as shown in Figure 2 has a length less than about 60 millimeters as all typical utility blades (column 3, lines 55-65).

As to claims 12-14, Dunn-Rankin discloses a utility knife housing (56) for mounting the blade in a manner allowing the blade to extend a short distance beyond the housing by less than one fourth of the length of the housing and wherein the blade is disposable, replaceable, and retractable because utility knives have housings in the same fashion.

As to claim 15, the intended use of blade of Dunn-Rankin is that of utility blade for cutting by using only one of a pushing and pulling motion in a direction generally parallel to the direction of the cut.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Medhurst in view of Dunn-Rankin, U.S. Patent 6,823,593.

Medhurst discloses the invention substantially as claimed except for the blade being generally rectangular in shape; however, Dunn-Rankin discloses that it is old and well known in the art to use blades with rectangular shape (Figure 10) in utility knives for the purpose of providing enhanced cutting with box cutters. Therefore, it would have

Art Unit: 3724

been obvious to one of ordinary skill in the art at the time of the invention was made to use rectangular shape utility blades with undulating cutting edges in utility knives in order to provide enhanced cutting blade for utility blade.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Medhurst. Medhurst discloses the invention substantially as claimed except for the specific number of points being eight; however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use eight points on the blade or any number of points depending upon the size of the blade for the purpose of providing an enhanced cutting edge with uniformity along the edge, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn-Rankin.

Dunn-Rankin discloses the invention substantially as claimed except for the specific number of points being eight; however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use eight points on the blade or any number of points depending upon the size of the blade for the purpose of providing an enhanced cutting edge with uniformity along the edge, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn-Rankin in view of Medhurst.

Art Unit: 3724

Dunn-Rankin discloses the invention substantially as claimed except for cutting edge of the blade having points in the shape of a circle, ellipse, hyperbola, or parabola; however, Medhurst discloses that it is old and well known in the art to use blades with undulating circular points for the purpose of providing an enhanced cutting edge.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use utility blades with circular points for the purpose of providing an enhanced cutting edge.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

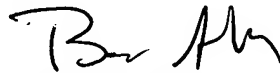
Gold has been cited to show a similar utility knife.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 571-272-4502. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Boyer D. Ashley
Primary Examiner
Art Unit 3724

BDA
January 4, 2005